

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

ORDER DIRECTING PLAINTIFF TO
PROVIDE WRITTEN NOTICE
IDENTIFYING DEFENDANTS DOE 1 AND
JANE DOE NURSE FOR SERVICE OF
PROCESS

NINETY (90) DAY DEADLINE

Plaintiff Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 16, 2022, the assigned District Judge ordered that this action proceed on Plaintiff's first amended complaint (and supplement to the first amended complaint) on the following claims: (1) use of excessive force in violation of the Eighth Amendment against Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, and Doe 1; (2) sexual assault in violation of the Eighth Amendment against Defendant Leos; and (3) failure to protect in violation of the Eighth Amendment against Defendants A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, Cronister, and Jane Doe Nurse. (ECF No. 16.) By separate order, the Court has directed service of the complaint on all Defendants except Defendants Doe 1 and Jane Doe Nurse.

At this time, the Court does not find service appropriate for Defendants Doe 1 and Jane Doe Nurse because the U.S. Marshal cannot serve a Doe Defendant. Therefore, before the Court

1 orders the U.S. Marshal to serve Defendants Doe 1 and Jane Doe Nurse, Plaintiff will be required
2 to identify them with enough information to locate the defendants for service of process. Once
3 Plaintiff identifies Defendants Doe 1 and Jane Doe Nurse for service, he should file a motion to
4 substitute the identities of Defendants Doe 1 and Jane Doe Nurse in the complaint. If the motion
5 is granted, the Court will direct the U.S. Marshal to serve Defendants Doe 1 and Jane Doe Nurse.
6 However, if Plaintiff fails to identify Defendants Doe 1 and Jane Doe Nurse, then any
7 unidentified defendant(s) will be dismissed from this action.

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. Within **ninety (90) days** from the date of service of this order, Plaintiff SHALL file a
10 motion to substitute the identities of Defendants Doe 1 and Jane Doe Nurse that provides
11 the Court with enough information to locate them for service of process; and
- 12 2. **The failure to comply with this order will result in dismissal of the unidentified**
13 **defendant from this action, without prejudice, for failure to serve with process**
14 **pursuant to Federal Rule of Civil Procedure 4(m).**

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16 IT IS SO ORDERED.

17 Dated: March 17, 2022

18 /s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE
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